

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 SSC-01

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R 281454Z JAN 77

FM AMEMBASSY MONTEVIDEO

TO SECSTATE WASHDC 3099

INFO HQ USSOUTHCOM SCJ2

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E.O. 11652: N/A

TAGS: PGOV, UY

SUBJECT: MINISTER OF JUSTICE NAMED

REF: 76 MONTEVIDEO 3259 (DTG 031218Z SEP 76)

1. SUMMARY: PRESIDENT MENDEZ HAS NAMED DR. FERNANDO BAYARDO BENGEOA AS MINISTER OF JUSTICE. THE NEW MINISTRY, CREATED BY INSTITUTIONAL ACT NO 3, PROMULGATED SEPTEMBER 1, 1976, IS EXPECTED TO ASSUME MANY OF THE ADMINISTRATIVE FUNCTIONS OF THE SUPREME COURT OF JUSTICE. BAYARDO IS PRESENTLY ATTORNEY GENERAL (PROCURADOR DE LA NACION) AND IS A RECOGNIZED AUTHORITY ON PENAL LAW. END SUMMARY.

2. ON JANUARY 27, PRESIDENT MENDEZ NAMED ATTORNEY GENERAL FERNANDO BAYARDO BENGEOA TO THE RECENTLY CREATED POSITION OF MINISTER OF JUSTICE. THE MINISTRY OF JUSTICE WAS CREATED THROUGH INSTITUTIONAL ACT NO. 3 ON SEPTEMBER 1, 1976 IN ONE OF PRESIDENT MENDEZ' FIRST PUBLIC ACTS. THE INSTITUTIONAL ACT CREATING THE MINISTRY NOTED THE NEED TO AVOID THE "NEGATIVE" EFFECTS OF SEPARATION OF POWERS AND TO PROVIDE EXECUTIVE AUTHORITY OVER THE ADMINISTRATION OF JUSTICE. NO DETAILS ON HOW THIS WILL BE IMPLEMENTED

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HAVE BEEN DIVULGED.

3. UNDER THE PRESENT LEGAL SYSTEM THE SUPREME COURT OF JUSTICE EXERCISES ADMINISTRATIVE AUTHORITY OVER THE ENTIRE CIVILIAN JUDICIAL SYSTEM AND APPOINTS ALL LOWER COURT JUDGES. ACCORDING TO INFORMATION AVAILABLE TO THE MISSION, THE CREATION OF A MINISTRY OF JUSTICE IS MOTIVATED BY THE EXPRESSED INTENTION TO:

(1) RELIEVE JUDGES OF ADMINISTRATIVE DUTIES; (W) ENSURE HIGH STANDARDS FOR JUDGES AND OTHER COURT OFFICIALS;  
(3) ROUT OUT CORRUPTION; AND, (4) SPEED JUSTICE. THE ULTIMATE OBJECTIVE, ACCORDING TO AN ARMED FORCES DOCUMENT WHICH HAS BEEN OBTAINED BY THE EMBASSY, IS TO PROVIDE "REAL" PROTECTION TO THE RIGHTS OF THE PEOPLE. CRITICS, HOWEVER, BELIEVE THAT THE MOVE COULD SUBJECT THE JUDICIARY TO THE CONTROL OF THE EXECUTIVE BRANCH. THE INTENTIONS OF THE GOVERNMENT IN CREATING THE MINISTRY WILL PROBABLY NOT BE KNOWN UNTIL ITS ORGANIC LAW AND REGULATIONS ARE DRAWN UP, MADE PUBLIC, AND IMPLEMENTED.

4. BIOGRAPHIC INFORMATION ON BAYARDO IS BEING DEVELOPED.  
SIRACUSA

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NNN

## Message Attributes

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**Review Markings:**  
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